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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/590,876

07/10/2007

Hartmut Schumacher

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3753

26646 7590 07/06/2010
KENYON & KENYON LLP
ONE BROADWAY
NEW YORK, NY 10004

EXAMINER

RUTLAND WALLIS, MICHAEL

ART UNIT

PAPER NUMBER

2836

MAIL DATE

DELIVERY MODE

07/06/2010

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/590,876	Applicant(s) SCHUMACHER ET AL.	
	Examiner MICHAEL RUTLAND WALLIS	Art Unit 2836	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 April 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 7-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 7-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 August 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 4/22/10 has been entered.

Response to Arguments

Applicant's arguments have been considered but are moot in view of the new grounds of rejection. Applicant's amendments are sufficient to withdraw the previous 112 rejections made to the claims.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -
(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States

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only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 7 and 10 are rejected under 35 U.S.C. 102(e) as being anticipated by Rothleitner et al. (U.S. Pat. No. 6,731,023)

With respect to claim 7 and 10 Rothleitner teaches a device for supplying an ignition current from an energy reserve capacitor to at least one ignition power module, comprising: a voltage regulator (item 80 and controlled switching of item 60) connected to the energy reserve capacitor (item 52) by a polarity reversal diode (item 58) and at least one current source (item 56), the voltage regulator being connected to the at least one ignition power module (item 12) such that the voltage regulator sets a voltage (see controlled switching col. 6 lines 30-35) at the at least one ignition power module at a predetermined level (col. 6 line 15); and a control module (item 20) which selectively triggers (see switching of item 60) the voltage regulator to alternatively operate as a safety semiconductor (see over current and over temperature inputs).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rothleitner et al. (U.S. Pat. No. 6,731,023) in view of Smith et al. (U.S. Pat. No.

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5,845,729) Rothleitner teaches the voltage regulator is disconnectable (via removal of power or disabling the connection of the power from the supply) and allows an electric current to be supplied to the at least one ignition power module, however Rothleitner does not teach the use of an external microcontroller. Smith teaches the use of a microcontroller (item 28) external to the drive and power modules. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Rothleitner to supply power to the ignition module as a function of the microcontroller in order to allow for connection of sensors and other feedback to be monitored to determine when to control the power to the ignition module.

Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rothleitner et al. (U.S. Pat. No. 6,731,023) in view of Smith et al. (U.S. Pat. No. 5,845,729) in view of Ravas, Jr. et al. (U.S. Pat. No. 5,459,449) Rothleitner as modified above teaches the device of claim 8, however does not teach the further limitation of diagnosis as recited. Ravas 449 teaches a diagnosis (item 44) is provided for a safety semiconductor (item 20 or 34). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Rothleitner to include the diagnosis of the device in order to allow for testing to insure proper operation of the device.

Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rothleitner et al. (U.S. Pat. No. 6,731,023) in view of Ravas, Jr. et al. (U.S. Pat. No. 5,459,449) Rothleitner teaches the device of claim 7, however does not teach the further limitation of diagnosis as recited. Ravas 449 teaches at least one current source (item 30) assigned to the voltage regulator (item 22) for diagnosis (col. 2 line 65) of the

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at least one ignition power module. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Rothleitner to diagnose the device in order to allow for testing to insure proper operation of the device.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Rutland-Wallis whose telephone number is 571-272-5921. The examiner can normally be reached on Monday-Thursday 7:30AM-6:00PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jared Fureman can be reached on 571-272-2391. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Michael Rutland-Wallis/
Examiner, Art Unit 2836

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